

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2010-CC-01249-COA

WILLIAM R. CROMWELL

APPELLANT

v.

**MISSISSIPPI DEPARTMENT OF
EMPLOYMENT SECURITY AND BIG M
TRANSPORTATION, INC.**

APPELLEES

DATE OF JUDGMENT:	06/14/2010
TRIAL JUDGE:	HON. ANDREW K. HOWORTH
COURT FROM WHICH APPEALED:	MARSHALL COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	WILLIAM R. CROMWELL (PRO SE)
ATTORNEY FOR APPELLEES:	LEANNE F. BRADY
NATURE OF THE CASE:	CIVIL - STATE BOARDS AND AGENCIES
TRIAL COURT DISPOSITION:	AFFIRMED THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY'S DECISION TO DENY BENEFITS
DISPOSITION:	APPEAL DISMISSED – 07/19/2011
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE IRVING, P.J., ISHEE AND CARLTON, JJ.

IRVING, P.J., FOR THE COURT:

¶1. This appeal arises out of William R. Cromwell's unsuccessful application for unemployment benefits to the Mississippi Department of Employment Security (MDES). After MDES denied Cromwell's application, the Marshall County Circuit Court affirmed that decision. Feeling aggrieved, Cromwell filed a notice of appeal.

¶2. Cromwell's notice of appeal was not timely filed; therefore, we lack jurisdiction and

dismiss his appeal.

ANALYSIS AND DISCUSSION OF THE ISSUE

¶3. The circuit court rendered its judgment on June 14, 2010, but the judgment was not filed until June 22, 2010. Cromwell received permission to proceed in forma pauperis in early July but did not file his notice of appeal until July 29, 2010.

¶4. According to Rule 4(a) of the Mississippi Rules of Appellate Procedure, an appellant has thirty days from the date of a judgment in which to file an appeal of that judgment. Under that time restriction, Cromwell had until July 22, 2010, to file his notice of appeal. However, he did not file his notice until July 29.

¶5. As we have stated before: “Timely notice of appeal is jurisdictional; where the appellant has not given proper notice[,] this Court lacks jurisdiction to address the appeal.” *Mold Pro, Inc. v. Alford*, 52 So. 3d 1260, 1262 (¶13) (Miss. Ct. App. 2011) (quoting *Curry v. B.C. Rogers Poultry, Inc.*, 797 So. 2d 265, 267 (¶11) (Miss. Ct. App. 2001)).

¶6. Accordingly, we must dismiss Cromwell’s appeal for lack of jurisdiction.

¶7. **THIS APPEAL IS DISMISSED FOR LACK OF JURISDICTION.**

LEE, C.J., GRIFFIS, P.J., MYERS, BARNES, ISHEE, ROBERTS, CARLTON, MAXWELL AND RUSSELL, JJ., CONCUR.